REMARKS

Applicant has studied the Office Action of 02/11/2004 and made amendments to the claims and title, as indicated hereinabove, to place the application in condition for allowance.

Claims 13 – 15, 19, 21, and 25 – 30 have been canceled. Claims 1 – 12, 16 – 18, 20, 22 - 24 have been amended to define Applicant's invention over the cited prior art. Therefore, claims 1 – 12, 16 – 18, 20, 22 - 24, inclusive, are presently pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1 - 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et.al. (U.S. Patent 6,134, 243) in view of Rinne (U.S. Patent 5,946,326). Jones et.al. disclose an apparatus for transferring an audio/video/data service from a transmission end to a reception end over a radio interface. Rinne discloses an apparatus for processing media data for transmission in a data communication medium.

The Examiner admits that Jones et.al. do not disclose page reproduction. The Examiner asserts that Rinne teaches that pages can be reproduced as complete at the reception end as each file is defined both with respect to its contents and with respect to other files, both temporally and locally.

The Examiner further asserts that it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because reproduction of Rinne's teachings would have allowed Jones' system to transmit the information to the transmission channel in a continuous data stream, as suggested by Rinne. The Examiner also asserts that reproduction as taught by Rinne improves the multimedia services to form a hypertext by combining the service components of the sub channels in the stream video.

Claims 13 – 15, 19, 21, and 25 – 30 have been canceled, rendering the Examiner's claim rejections thereto moot.

Applicant respectfully submits that there is no teaching, suggestion or motivation of any kind, explicit or implicit, in Jones et.al. or Rinne, taken singly or in combination, in regard to adapting the file structure of Jones et.al. and/or Rinne to include at least one

data object which synchronizes its video and audio blocks according to a time stamp field without defining a real-time transport protocol (RTP), as recited in amended claims 1 – 12, 16 – 18, 20, 22 – 24.

Applicant further submits that Jones et.al. teach away from the present invention by disclosing that "an RTP time stamp is specifically included, along with data needed to form [the] a RTP header", Col. 25, lines 13 – 14. Jones et.al. specifically provide a table (Col. 25, lines 20 – 27) for guidance, as follows:

```
struct RTPpacket {
int(32)   RTPtime;
int(16)   partialRTPheader;
int(16)   RTPsequenceseed;
int(16)   entrycount;
dataentry constructors[entrycount] }.
```

Applicant does not claim a RTP header. On the contrary, Applicant synchronizes the video/audio blocks according to the time stamp field without defining a real-time transport protocol (RTP), as recited in amended claims 1 – 12, 16 – 18, 20, 22 – 24.

Applicant also submits that combining Jones et.al. with Rinne in the manner proposed by the Examiner to produce Applicant's invention is not expressly suggested or implied by the references as a whole and would not have been obvious to one of ordinary skill in the art at the time the invention was made. On the contrary, it appears that the Examiner is using Applicant's disclosure in hindsight as an instruction manual to propose various modifications and subsequent combinations of modified structures in an attempt to produce Applicant's invention.

Therefore, it is respectfully submitted that amended claims 1 – 12, 16 – 18, 20, and 22 – 24 recite patentable subject matter clearly distinguishable from Jones et.al. in view of Rinne.

The fact that the Examiner was able to find two isolated references that allegedly may be combined in such a way as to produce Applicant's invention does not necessarily render such production obvious unless the prior art of record contains something to suggest making the proposed combination. "To properly combine references, there must have been some teaching, suggestion, or inference in the references, or knowledge generally available to one of ordinary skill in the art, that would have led one to combine

the relevant teachings." *Ashland Oil, Inc. v. Delta Resins & Refracs., Inc.*, 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985). "The hypothetical person skilled in the art is not the judge, nor a layperson, nor one skilled in remote arts, nor a genius in the art at hand...", *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983). The hypothetical person skilled in the art at the time the invention was made is also not the inventor - "the invention is not to be evaluated through the eyes of the actual inventor", *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). Also, "one cannot use hindsight construction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention", *In re Fine*, 5 USPQ 2d 596 (Fed. Cir. 1988).

In view of the foregoing amendments and remarks, Applicant respectfully requests withdrawal of the 103(a) claim rejections.

Conclusion

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles,

California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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